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INCOMING
TELEGRAM

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FM AMCONSUL RIO DE JANEIRO
TO SECSTATE WASHDC 6457
INFO AMEMBASSY BRASILIA
AMCONSUL SAO PAULO

~~CONFIDENTIAL~~ RIO DE JANEIRO 3066

E.O. 11652: GDS
TAGS: SHUM, BR
SUBJECT: CANDIDO MENDES' COMMENTS ON HUMAN RIGHTS

REF: BRASILIA 5074

1. I CALLED ON ON PROMINENT RIO EDUCATIONALIST, INTELLECTUAL, AND CATHOLIC LAY LEADER CANDIDO MENDES JULY 3 TO DISCUSS THE "SEMINAR" PROGRAM HE HAD PROPOSED FOR THE AMBASSADOR IN AUGUST, AND ALSO TO ASK FOR HIS COMMENTS ON SOME HUMAN RIGHTS POINTS MADE TO THE AMBASSADOR BY CARDINAL SALES. BECAUSE OF PRESSURE ON HIS TIME AND HIS PREOCCUPATION WITH THE FIRST TOPIC, WE WERE NOT ABLE TO GO INTO DEPTH ON THE HUMAN RIGHTS SUBJECTS BUT HIS BRIEF COMMENTS ON THIS AND RELEVANT MATTERS MAY BE OF INTEREST.

2. ON THE HUMAN RIGHTS SITUATION, ESPECIALLY IN REGARD TO QUESTIONS OF ARBITRARY IMPRISONMENT AND TORTURE, CANDIDO MENDES STATED THAT FINDINGS OF THE CHURCH'S COMMITTEE ON JUSTICE AND PEACE, OF WHICH HE IS A LEADING FIGURE, INDICATE THAT, FOR AT LEAST THE LAST SIX MONTHS, THERE HAVE BEEN NO CASES OF TORTURE IN BRAZIL WITH THE POSSIBLE EXCEPTION OF ONE IN RECIFE. THAT CASE, INVOLVING THE STUDENT, EDVAL NUNES DA SILVA ("CAJA") WHO WAS ARRESTED FOR SUBVERSION ON MAY 12, DID PRODUCE CHARGES OF TORTURE WHICH WERE INVESTIGATED BY A LAWYER SENT TO RECIFE FROM RIO BY THE COMMITTEE ON JUSTICE AND PEACE. THE LAWYER REPORTED THE STUDENT'S ALLEGATIONS, WHICH HE APPARENTLY BELIEVED, THAT CAJA HAD RECEIVED ELECTRIC SHOCKS ON THE ARMS AND LEGS DURING THE INITIAL PHASE OF HIS IMPRISONMENT. ALL TREATMENT REPORTEDLY STOPPED AFTER THE LAWYER'S VISIT. THERE ALSO HAVE BEEN SOME RECENT UNCONFIRMED REPORTS OF MISTREATMENT IN SAO PAULO, BUT CANDIDO MENDES IS INCLINED TO DISCOUNT THEM.

3. PRIOR TO THIS MOST RECENT PERIOD, CASES OF TORTURE DID OCCUR BUT THE INCIDENCE HAD DIMINISHED IN RECENT YEARS UNDER GEISEL. IN ALL RECENT CASES GUILT HAS BEEN WITH THE AUTHORITIES HAVING PHYSICAL CUSTODY OF THE PRISONERS, WHETHER STATE POLICE OR MILITARY SECURITY PERSONNEL, AND NOT WITH HIGHER ECHELONS IN THE GOVERNMENT. ON THIS POINT, CANDIDO MENDES ASSERTED THAT PRESIDENT GEISEL HAD NOT BEEN SUCCESSFUL EVEN YET IN COMPLETELY ELIMINATING SO-CALLED "TASK FORCES" SET UP IN THE NATIONAL SECURITY APPARATUS. CANDIDO MENDES EXPRESSED CONFIDENCE, IN ANY CASE, THAT PRESIDENT GEISEL WAS SINCERE IN HIS STATED DETERMINATION TO ELIMINATE TORTURE COMPLETELY AND SAID GEISEL HAD MADE A FIRM COMMITMENT TO THIS EFFECT TO HIM PERSONALLY.

4. REFLECTING THE MARKED CHANGE IN HUMAN RIGHTS CLIMATE IN BRAZIL, CANDIDO MENDES SAID THAT, WHEREAS IN FORMER YEARS, IN CASES OF ALLEGED TORTURE, THE BURDEN OF PROOF WAS ON THE AUTHORITIES TO PROVE THAT TORTURE HAD NOT OCCURRED, TODAY THE BURDEN OF PROOF IS ON THE ACCUSERS TO ESTABLISH THAT IT HAS OCCURRED. IN THIS CONNECTION CANDIDO EMPHASIZED THE VITAL IMPORTANCE FOR THE COMMITTEE ON JUSTICE AND PEACE OF MAINTAINING CREDIBILITY IN REGARD TO ALLEGATIONS OF TORTURE. FOR THIS REASON, THEY ARE MOST CAREFUL IN THEIR INVESTIGATIONS, AS IN THE RECIFE CASE, AND TRY TO AVOID PUBLICIZING GENERALIZED ACCUSATIONS.

5. TURNING TO A RELATED POLITICAL MATTER, CANDIDO TOLE ME HE HAD HAD A LUNCHEON RECENTLY WITH RAYMUNDO FAORO, PRESIDENT OF THE BAR ASSOCIATION, AND DOM IVO LORSCHTEITER, SECRETARY GENERAL OF THE CNBB. ONE PURPOSE OF THE MEETING HAD BEEN TO DISCUSS WAYS IN WHICH THOSE ORGANIZATIONS COULD MAINTAIN A POSTURE OF NEUTRALITY AND INDEPENDENCE OF THE REDEMOCRATIZATION FRONT AND THE MDB IN THE FACE OF CONSIDERABLE PRESSURE AND ENTICEMENT. ALL THREE BELIEVE IT IS ESSENTIAL THAT THE TWO ORGANIZATIONS KEEP THEIR INDEPENDENCE AND THAT IT WILL BE EASIER FOR BOTH IF THEY CAN MAINTAIN A CERTAIN DEGREE OF SOLIDARITY, CONSTITUTING THEMSELVES, IN CANDIDO MENDES' WORDS, "A SORT OF ANTI-FRONT", ABOVE PARTISAN POLITICS.

6. IN THIS CONNECTION, CANDIDO COMMENTED DISAPPROVINGLY ON THE TENDENCE OF CARDINAL ARNS IN SAO PAULO TO INVOLVE HIMSELF IN PARTISAN POLITICS. HE MENTIONED FOR EXAMPLE TEMPTATIONS ON CARDINAL ARNS TO GIVE SUPPORT TO THE MDB SENATORIAL CAMPAIGN OF THE SOCIOLOGIST, FERNANDO HENRIQUE CARDOSO. CARDINAL ARNS, ACCORDING TO CANDIDO, IS ONE OF THE MOST POWERFUL "ELECTORS" IN BRAZIL AND THEREFORE AN IMPORTANT POTENTIAL BACKER FOR CARDOSO. WITH ARNS' BACKING, CARDOSO CAN BEAT THE INCUMBENT, FRNACO MONTORO, IN CANDIDO MENDES' JUDGMENT.

7. CANDIDO MENDES ATTRIBUTES CARDINAL ARNS' MILITANT OPPOSITION TO THE ADMINISTRATION TO HIS RESENTMENT OVER MANY HURTS INFLICTED UPON HIM IN PAST YEARS, INCLUDING THE PRIOR CENSORSHIP OF THE CHURCH PAPER, O SAO PAULO. WITH THE RECENT LIFTING OF THAT CENSORSHIP, HE THINKS THE WAY MAY BE PAVED FOR AN IMPROVEMENT IN ATMOSPHERE. CANDIDO SUGGESTED THAT, IF THE GOVERNMENT WOULD NOW REMOVE THE PROHIBITION ON THE CARDINAL'S TELEVISION STATION, THE CARDINAL MIGHT BE WILLING TO REACH A COMPLETE PEACE AGREEMENT WITH THE ADMINISTRATION.

8. THIS MESSAGE WAS COORDINATED WITH EMBASSY BRASILIA.
CESTER

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